

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>R.K. et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:21-cv-00725</b>
	)	
<b>GOVERNOR BILL LEE, in his official</b>	)	
<b>capacity as GOVERNOR OF</b>	)	
<b>TENNESSEE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**


For the following reasons, and for the reasons stated on the record at the October 5, 2021 preliminary injunction hearing, the Court will extend the temporary injunction (Doc. No. 30) pending completion of the evidentiary hearing on Plaintiffs’ Motion for Preliminary Injunction (Doc. No. 4), post-hearing briefs requested by the Governor, and the availability of the Governor’s witnesses.

Courts may extend temporary injunctive relief “for good cause” pending a decision on a motion for preliminary injunction. See Fed. R. Civ. P. 65(b)(2); McGirr v. Rehme, No. 1:16-cv-464, 2016 WL 6070353, at \*1 (S.D. Ohio Oct. 17, 2016); Zaya v. Adducci, No. 20-10921, 2020 WL 2079121, at \*2 (E.D. Mich. Apr. 30, 2020); Provectus Biopharmaceuticals, Inc. v. Dees, No. 3:16-cv-222, 2016 U.S. Dist. LEXIS 189165, at \*2–3 (E.D. Tenn. Sept. 14, 2016). Good cause exists “where the conditions that warranted initial equitable relief are still present.” Hamama v. Adducci, No. 17-cv-11910, 2017 U.S. Dist. LEXIS 104567, at \*3 (E.D. Mich. July 6, 2017) (citing 11A Wright & Miller, Fed. Prac. & Proc. Civ. § 2953 (3d ed.)).

Here, the conditions warranting the initial temporary injunctive relief are still present. On September 30, 2021, Governor Lee extended Executive Order No. 84, allowing parents to opt-out of a school's universal mask mandate, through November 5, 2021 at 11:59 p.m. (See Doc. Nos. 50, 50-2). Accordingly, for the reasons stated on the record at the October 5 preliminary injunction hearing, the Court rules as follows:

1. The preliminary injunction hearing will resume on **October 13, 2021 at 9:00 a.m.**, at which time the Governor will present two witnesses in support of his opposition to Plaintiffs' Motion for a preliminary injunction (Doc. No. 45);
2. Parties may submit post-hearing briefs no later than **October 27, 2021**, as requested by the Governor;
3. The temporary injunction issued by this Court on September 24, 2021 **SHALL** be **EXTENDED**. The injunction **SHALL** include the same terms as the Court's prior Order (Doc. No. 30) unless amended by the Court; and
4. Governor Lee **SHALL** file responses to Plaintiffs' Motions in Limine (Doc. Nos. 62, 66) no later than **October 8, 2021**. Plaintiffs may file replies no later than **October 11, 2021**.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE